

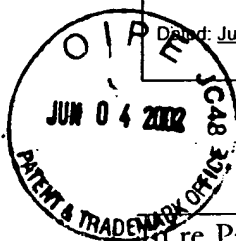
06 - 06 - 02 DAC #7
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV059556059US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Date: June 4, 2002

Signature:

Richard LaCava
(Richard LaCava)

Docket No.: J2167.0229/P229
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Robert Hitchings, et al.

Application No.: 09/828,616

Group Art Unit: N/A

Filed: April 6, 2001

Examiner: Not Yet Assigned

For: LIKE KIND EXCHANGE SYSTEM AND
METHOD

RECEIVED
JUN 10 2002
OFFICE OF PETITIONS

REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 C.F.R. §1.47(A)

Box DAC
Commissioner for Patents
Washington, DC 20231

RECEIVED
JUN 10 2002

Dear Sir:

This submission is in response to the "Decision Refusing Status Under 37 C.F.R. 1.47(a)" mailed April 4, 2002.

The basis for dismissing Applicant's Petition was that the Petition lacked "an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116. Specifically, the decision states that the Declaration does not state the citizenship, mailing address or resident of the non-signing inventor. Furthermore, the original declaration did not provide the citizenship of joint inventor Hitchings.

In compliance with 35 U.S.C. §§115 and 116 and 37 C.F.R. 1.63 and 1.67, please find enclosed a new oath or declaration signed by all of the signing inventors on behalf of themselves and a non-signing inventor.

Applicant respectfully submits that the submission of this acceptable declaration completes all of the requirements for the granting of Applicant's Petition under 37 C.F.R. 1.47(a) and the granting thereof is respectfully requested.

Dated: June 4, 2002

Respectfully submitted,

By Richard LaCava

Richard LaCava

Registration No.: 41,135

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorneys for Applicant



UNITED STATES OF AMERICA COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

FILE NO.
J2167.0229

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Specification of which is attached hereto, unless the following box is checked:

☒ was filed on April 6, 2001 as United States patent Application Number or PCT International patent application number 09/828,616 and was amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate or United States provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign or Provisional Application(s)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
United States	60/195,056	April 6, 2000	YES <u>X</u> NO _____
			YES _____ NO _____
			YES _____ NO _____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

UNITED STATES APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint customer no. 32172 DICKSTEIN, SHAPIRO, MORIN & OSHINSKY, LLP, and the members of the firm, Edward A. Meilman, Reg. No. 24,735, Gary M. Hoffman, Reg. No. 26,411, Steven I. Weisburd, Reg. No. 27,409, Thomas J. D'Amico, Reg. No. 28,371, Donald A. Gregory, Reg. No. 28,954, Stephen A. Soffen, Reg. No. 31,063, James W. Brady, Jr., Reg. No. 32,115, Jon D. Grossman, Reg. No. 32,699, Mark J. Thronson, Reg. No. 33,082, Michael J. Scheer, Reg. No. 34,425, and Eric Oliver, Reg. No. 35,307, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

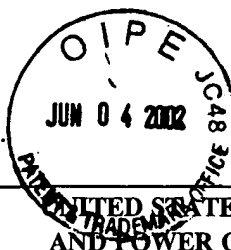
SEND CORRESPONDENCE TO: DICKSTEIN, SHAPIRO, MORIN & OSHINSKY, LLP
1177 Avenue of the Americas, 41st Floor
New York, NY 10036-2714

DIRECT TELEPHONE CALLS TO:
(212) 835-1400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR J. Robert HITCHINGS		INVENTOR'S SIGNATURE	DATE
RESIDENCE (City and either State or Foreign Country) 5 Beverly Place, Larchmont, New York 10538		COUNTRY OF CITIZENSHIP US	
POST OFFICE ADDRESS			
FULL NAME OF SECOND JOINT INVENTOR (IF ANY) Todd ORLICH		INVENTOR'S SIGNATURE	DATE
RESIDENCE (City and either State or Foreign Country) 73 Plymouth Street, Montclair, New Jersey 07042		COUNTRY OF CITIZENSHIP US	
POST OFFICE ADDRESS			

RECEIVED
JUN 10 2002
OFFICE OF PETITIONS



UNITED STATES OF AMERICA COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION	FILE NO. J2167.0229
---	-------------------------------

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which is attached hereto, unless the following box is checked:

☒ was filed on April 6, 2001 as United States patent Application Number or PCT International patent application number 09/828,616 and was amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate or United States provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign or Provisional Application(s)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
United States	60/195,056	April 6, 2000	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

UNITED STATES APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint customer no. 32172 DICKSTEIN, SHAPIRO, MORIN & OSHINSKY, LLP, and the members of the firm, Edward A. Meilman, Reg. No. 24,735, Gary M. Hoffman, Reg. No. 26,411, Steven I. Weisburd, Reg. No. 27,409, Thomas J. D'Amico, Reg. No. 28,371, Donald A. Gregory, Reg. No. 28,954, Stephen A. Soffen, Reg. No. 31,063, James W. Brady, Jr., Reg. No. 32,115, Jon D. Grossman, Reg. No. 32,699, Mark J. Thronson, Reg. No. 33,082, Michael J. Scheer, Reg. No. 34,425, and Eric Oliver, Reg. No. 35,307, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

SEND CORRESPONDENCE TO: DICKSTEIN, SHAPIRO, MORIN & OSHINSKY, LLP
1177 Avenue of the Americas, 41st Floor
New York, NY 10036-2714

DIRECT TELEPHONE CALLS TO:
(212) 835-1400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR J. Robert HITCHINGS	INVENTOR'S SIGNATURE	DATE
--	----------------------	------

RESIDENCE (City and either State or Foreign Country)
5 Beverly Place, Larchmont, New York 10538

COUNTRY OF CITIZENSHIP
US

POST OFFICE ADDRESS

FULL NAME OF SECOND JOINT INVENTOR (IF ANY) Todd ORLICH	INVENTOR'S SIGNATURE	DATE
--	----------------------	------

RESIDENCE (City and either State or Foreign Country)
73 Plymouth Street, Montclair, New Jersey 07042

COUNTRY OF CITIZENSHIP
US

POST OFFICE ADDRESS

RECEIVED
JUN 10 2002
OFFICE OF PETITIONS

9 CONTINUED ON PAGE 2

UNITED STATES OF AMERICA COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION			FILE NO.
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>			
FULL NAME OF THIRD JOINT INVENTOR, IF ANY Joe SCHREINER		INVENTOR'S SIGNATURE	DATE
RESIDENCE (City and either State or Foreign Country) 1020 Pennsylvania Avenue, Island Park, New York 11558			COUNTRY OF CITIZENSHIP US
POST OFFICE ADDRESS			
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY Edward BOSSONG		INVENTOR'S SIGNATURE	DATE
RESIDENCE (City and either State or Foreign Country) 186 Cottage Blvd., Hicksville, New York 11801			COUNTRY OF CITIZENSHIP US
POST OFFICE ADDRESS			
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY		INVENTOR'S SIGNATURE	DATE
RESIDENCE (City and either State or Foreign Country)			COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS			
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY		INVENTOR'S SIGNATURE	DATE
RESIDENCE (City and either State or Foreign Country)			COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS			